IN RE : DELETE, DELETE,DELETE
DA 25-219, GN DOCKET No. 25-133
RELEASED: MARCH 12, 2025

COMMENTS OF ANTHONY VINCENT BONO
APRIL 4, 2025, 47 CFR FCC RULES AND REGULATIONS
LICENSEE OF WJLJ(FM) ETOWAH, TN & W249BR LOOKOUT MT, TN

In regards to alleviating unnecessary regulatory burdens I forward the following comments and suggestions regarding FCC Rules and Regulations including interpretations that may address policy as well. I respectfully submit the following:

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REGARDING FULL POWER FMs & AUXILIARIES:

Re: 47 CFR 73.1675 Auxiliary Antennas..

"An auxiliary antenna is one that is permanently installed and available for use when the main antenna is out of service for repairs or replacement." I would like to delete "for repairs and replacement" and add "for any reason and may be used at the discretion of the licensee without permission." All of the following portions of the regulation should remain, that the service contour of the auxiliary should be inside the service contour of the main. An FM station should have the right to remain on its auxiliary as desired with the main site as a licensed facility, even if destroyed or dismantled, as it continues to exist on paper and may be restored at any time. This means the auxiliary could be used indefinitely if necessary. Stations for various reasons lose their tower site due to acts of God or circumstance and for economic reasons may not have the funds immediately or in the future to rebuild the main site. The main site would remain licensed at its licensed coordinates even though the site may have been dismantled or destroyed. I am certain most all of stations would prefer their main site for operation, but for some reason it may not be feasible nor economical to rebuild immediately or indefinitely. If the auxiliary has reasonable coverage compared to the main site then it seems reasonable to permit any station to continue on its auxiliary indefinitely. Especially in recent times when costs of towers and materials have increased exponentially, and as the related permissions to build have become unreasonably difficult. Because of escalating regulations and environmental permissions it has now become increasingly difficult and expensive to construct a tower. In some cases tower space is rented and the tower owner decides to dismantle leaving the licensee with no recourse. Smaller rural stations especially may not have funding for such a major project. It just may not be economically possible to rebuild but to cease operations would be devastating. At this time in the Radio industry economics have changed and competition has reduced profit margins. Also the cost of operating and building has escalated. Therefore, a station should have the continuing option to operate on its auxiliary for economic reasons. The burden of acquiring the funds may now be cost prohibitive in smaller markets. The main site should continue to be licensed even though the site may not exist completely or partly for various reasons (as well as acts of God) and in the event funds could be procured the main site could be rebuilt.

When I purchased my station the tower was damaged and needed repair. Since I did not understand much about the tower industry I sold the tower to someone I knew who had a tower company and could repair it. They repaired the tower and at that time it was a good economical decision. Our agreement was that when the tower company paid us we would then begin to pay rent to remain on the tower. The buyer never paid us and then resold the tower to a third party. We never received the funds and were eventually evicted from the tower. Before we were evicted we were paying an unreasonable amount of rent that continued to escalate. We were evicted from the tower and the tower was then dismantled. We lost our court case with the third party and have

been on our auxiliary ever since we were evicted. We just do not have the funds to rebuild the site nor gain the permissions necessary. We desire to build it yet our auxiliary site is more economical and the coverage is near equal to our main coverage in a car. Furthermore the auxiliary site cannot be licensed as a main site because of the minimum shortspacing requirements. Our auxiliary does have decent coverage. We are a rural station and we haven't had the funding to rebuild. We have been requesting permission to remain solely on the auxiliary every 6 months. I suggest that a broadcaster need not request permission to remain solely on the auxiliary and that the decision should be at the discretion of the licensee.

We have been operating like this since the tower was dismantled in 2014 and have attempted to rebuild our tower or build another tower at several possible locations. There are no existing towers that give us acceptable coverage. Our auxiliary antenna is on a tower that is very economical. It has been cost prohibitive for us as a small rural station to rebuild our former site. The FCC has allowed us to continue on our auxiliary for years but has recently changed policy requiring us to expedite the rebuilding.

Re: 47 CFR 73.215 (e) FM Class Minimum Shortspacing Distance Requirement Table.

The minimum shortspacing distance requirements should be eliminated. This would give FM broadcasters more flexibility on where to locate a more economical transmitting site with better coverage. If the contour protections are maintained to other stations there should be no limit for spacing. Whatever is advantageous to a licensee should be permissible.

Re: 47 CFR 73.216 (b)(1) Directional Antenna Minimus.

Radiation of maximum to minimum directional antennas is no more than 15 db. This rule needs to be eliminated for more flexibility to FM broadcasters to find better transmitting sites. It should be equally as flexible as auxiliary and booster antennas but at present is not.

Re: 47 CFR 73.216 (b)(2) Directional Antenna Pattern Limitation.

Directional Patterns to FM stations may not vary more than 2 db per 10 degrees azimuth. This Rule should be eliminated in order to give broadcasters more flexibility. Any pattern should be acceptable within good engineering standards.

All three of the previous as written are a burden to FM broadcasters. More flexibility is needed to find more economical sites for better coverage.

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GENERAL

Re: 47 CFR 73.3615(a) Ownership Reports.

"FCC(Form 323) must be filed electronically every two years by each licensee." This is redundancy creating needless work for broadcasters and the FCC. If there are no changes in the ownership there should be no reason to file a redundant report. I propose filing ownership reports only when there has been a change, any change at all, including office locations and board members, etc. If there was no change there is no need to file a report.

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REGARDING LPFMs

Re: 47 CFR 73.855(a) LPFM Ownership limits.

"No authorization for an LPFM station shall be granted to any party if the grant of that authorization will result in any such party holding an attributable interest in two or more LPFM stations." I suggest changing the wording to "three or more LPFM stations." The current limit is one, I suggest two. There have been so many LPFM licenses turned in. If a nonprofit groups can manage one LPFM they most likely will be able to manage two. Having two in some situations may save a license from being turned in or it may be more economical for a party to operate two. This is in the public interest allowing the entity to diversify programming providing two LPFM outlets in the same community. It should be allowed even if the two LPFM share the same facilities and tower location, perhaps combined into the same antenna.

Re: 47 CFR 73.858(a) Attribution of LPFM station interests.

"A director of an entity that holds an LPFM license will not have such interest treated as attributable if such director also hold an attributable interest in a broadcast licensee or other media entity...". Organizations holding an LPFM license should be allowed to have those with broadcast experience or interests to be on their board. The experience will help the LPFM attain success in the community. It is my suggestion that the organization should not allow more than 49.9% of voting board members to have attributal broadcast interest in another station, commercial or noncommercial. The experience would aid in the success of an LPFM. This should not be completely prohibited.

Re: 47 CFR 73.811 LPFM power and antenna height requirements.

Current LPFM maximum ERP is 100 watts horizontal and vertical at 30 m HAAT with a 60 dbu contour of no greater than 5.6 km. In no event will any less than 1 watt be authorized nor any greater of 1 watt authorized at greater than 450 m HAAT. Where spacings may allow, the maximum LPFM ERP should be allowed at a maximum of 250 watts (and any power up to that amount) and the 5.6 km maximum 60 dbu contour limit should be eliminated. The current 100 watts is very limiting. Translators are allowed 250 watts, why not LPFMs? The minimum of 1 watt and 1 watt at greater than 450 m HAAT is just not enough power to be heard anywhere. I suggest 5 watts or maybe even 10 watts as the minimum. I would like further comment on this. A license of just 1 watt just doesn't penetrate buildings nor survive environmental conditions in the signal path.

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NCE STATIONS & LPFMS

Re: Section 399B Communications Act, 47 CFR 73.503, 47 CFR 73.853. NCE FMs and LPFMs not allowed to air commercials.

NCE stations, including LPFMs are not allowed to air commercial content because of their nonprofit status. However, commercial FMs exist in the 92.1 mhz to 107.9 mhz band that are owned by 501C3 organizations. Some of these stations accept donations and also air commercial content. Some have a mixture of both. Why not allow the same for NCEs and LPFMs? I suggest that all tax payer funding of NCE stations be eliminated. Furthermore, NCE stations and LPFMs should be allowed to air commercial content even with their nonprofit status. Continue the ownership of NCEs

and LPFMs with 501C3 organizations but allow the expenses of the NCE stations and LPFMs to be paid by donations and/or commercial content. Other countries allow this so why not the United States? It will not change the educational purposes of the stations but will allow better funding of the operations.